

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SOUTH CENTRAL)	
BELL TELEPHONE COMPANY'S PROPOSED)	CASE NO. 95-310
CONTRACT WITH THE GENERAL SERVICES)	
ADMINISTRATION FOR AN ISDN PRI)	
INTERFACE WITH DIGITAL ESSX®)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed July 14, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data filed in support of a proposed contract with the General Services Administration on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell has received a request in the form of a purchase order from the General Services Administration for the provision of Integrated Services Digital Network ("ISDN") Primary Rate Interface for special access service with a Digital ESSX Service. In support of its application for approval of the contract, South Central Bell has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need

to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The ISDN Primary Rate Interface is similar to that tariffed in the Private Line services tariff for MegaLink® ISDN Service. South Central Bell competes with alternate service providers of fiber, microwave, and small satellites and with interexchange carriers to provide Private Line services. Disclosure of the supporting cost data could adversely affect the market, revenue potential, and competitive position of these services. Therefore, disclosure of

this information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data filed in support of the proposed arrangement to provide service to the General Services Administration, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 14th day of August, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director